

**CITY OF MAPLE VALLEY  
ORDINANCE O-19-677**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON,  
ADOPTING A NEW SHORELINE MASTER PROGRAM AND  
SHORELINE CRITICAL AREA REGULATIONS; REPEALING THE  
SHORELINE MASTER PROGRAM ADOPTED BY ORDINANCE O-97-40  
AND REPEALING CHAPTER 14.05 SHORELINE MANAGEMENT; AND  
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE  
PENDING APPROVAL OF THE PROGRAM BY THE WASHINGTON  
STATE DEPARTMENT OF ECOLOGY**

WHEREAS, the Shoreline Management Act (SMA) of 1971, codified at chapter 90.58 RCW, recognizes that shorelines are among the most valuable and fragile resources of the state, and requires all cities and counties with "shorelines of the state" to prepare and adopt a Shoreline Master Program in coordination with the state that is based on state laws and rules, but tailored to the specific jurisdiction; and

WHEREAS, the City of Maple Valley adopted its SMA-based Shoreline Master Program ("SMP") in 1997 and the SMP has not been amended in substance since its adoption; and

WHEREAS, the Shoreline Management Act requires cities to update their Shoreline Master Program; and

WHEREAS, the Growth Management Act of the State of Washington requires Shoreline Master Programs to be consistent with locally adopted Comprehensive Plans; and

WHEREAS, effective January 17, 2004, the regulations implementing the Shoreline Management Act promulgated under chapter 173-26 WAC (the "Shoreline Management Act guidelines") were substantially revised and are administered by the Washington State Department of Ecology, and the City's current Shoreline Master Program requires a comprehensive update in order to achieve procedural and substantive requirements of the Shoreline Management Act guidelines; and

WHEREAS, RCW 90.58.080(2) requires the City of Maple Valley to comprehensively update the City's Shoreline Master Program and RCW 90.58.020(4) requires the City of Maple Valley to periodically review and, if necessary, revise the master program on or before June 30, 2019; and

WHEREAS, the City of Maple Valley followed the standard review process of WAC 173-26; and

WHEREAS, the City of Maple Valley published a legal notice in Maple Valley Covington Reporter on April 19, 2019 for a public hearing on the proposed Planning Commission recommendations(s), including a statement that the hearing was intended to address the

comprehensive update and the periodic review and, if necessary, revise the master program on or before June 30, 2019; and

WHEREAS, the proposed amendments to the City's Municipal Code were publicly noticed and circulated for review and comment in accordance with the City's normal review and permitting procedures on April 25, 2018; and

WHEREAS, pursuant to the State Environmental Policy Act, the City of Maple Valley was designated as the lead agency for review of the proposed amendment. A Determination of Non-Significance was issued pursuant to WAC 197-11-355 on May 31, 2019. No appeal of the determination was received so the determination stands; and

WHEREAS, the City has the authority under RCW Title 35A, to adopt regulations related to the protection, mitigation and management of shorelines; and

WHEREAS, the Planning Commission took public testimony on the proposed Planning Commission recommendation(s) at a public hearing on May 1, 2019; and

WHEREAS, on August 23, 2019, a 60-day Notice of Intent to Adopt was sent to the Washington State Department of Commerce as required by RCW 36.70A.106; and

WHEREAS, following the public hearing and pursuant to Maple Valley Municipal Code 18.100.170, the Planning Commission made written findings and issued a recommendation to the City Council to approve the proposed amendments as set forth herein, finding the proposed amendments are internally consistent with the City's Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Maple Valley residents; and

WHEREAS, the City Council found the proposed amendments to be consistent with the City of Maple Valley Comprehensive Plan, the Washington State Growth Management Act and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Maple Valley residents.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Shoreline Management Master Program repealed. The City of Maple Valley Shoreline Management Master Program adopted by Ordinance O-97-40 is hereby repealed in its entirety. Chapter 14.05 of the Maple Valley Municipal Code, entitled "Shoreline Management" is also hereby repealed in its entirety.

Section 2. New Shoreline Master Program adopted. A new City of Maple Valley Shoreline Management Program, is hereby adopted to read as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference as if set forth in full, and shall be forwarded to the Washington State Department of Ecology for approval. A new chapter 18.60 of the Maple Valley Municipal Code, entitled "Shoreline Critical Area Regulations," is hereby adopted to read as set

forth in Appendix A to Exhibit A, which is attached hereto and incorporated herein by this reference as if set forth in full. The program and associated regulations will go into effect 14 days from the date of the Department of Ecology's written notice of final action approving the Shoreline Master Program.

Section 3. Findings, Conclusions, and Analysis. In support of the amendments approved in this ordinance, the Maple Valley City Council adopts the findings, conclusions, and analysis contained in the Planning Commission's Findings of Fact and Conclusions, attached hereto as Exhibit B and incorporated herein by reference.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 5. Authority to make necessary corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This Ordinance O-19-677 shall be effective 14 days after the Department of Ecology's written notice of final action approving the City of Maple Valley SMP, as provided by RCW 90.58.090(7).

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THIS 28<sup>th</sup> DAY OF OCTOBER, 2019.**

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Sean P. Kelly, Mayor

ATTEST:

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Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

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Patricia Taraday, City Attorney

Publication Date: November 1, 2019

Effective Date: 14 days after Department of Ecology approval